

**Opinion of the European Economic and Social Committee on the proposal for a Directive of the European Parliament and of the Council amending Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) and Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste**

(COM(2022) 156 final — 2022/0104 (COD))

**and on the proposal for a Regulation of the European Parliament and of the Council on reporting of environmental data from industrial installations and establishing an Industrial Emissions Portal**

(COM(2022) 157 final — 2022/0105 (COD))

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## 1. Conclusions and recommendations

1.1. The European Economic and Social Committee (EESC) strongly supports a combined approach and policy consistency to protect ecosystems and human health from the adverse effects of pollution while delivering co-benefits for EU citizens and industry. The EESC therefore welcomes the proposal for revision of the Industrial Emissions Directive (IED) <sup>(1)</sup> and of the Regulation on the European Pollutant Release and Transfer Register (E-PRTR).

1.2. The EESC believes that the next 10 years will be critical for the EU Green Deal 2050 ambitions for zero pollution and toxic-free environment and now, more than ever, we need flexibility and clarity in the regulatory process.

### Related to IED:

1.3. The revised Article 15(3) proposes as a new default, that permit writers should set the 'strictest possible emission limit values that are consistent with the lowest emissions achievable by applying BAT [Best Available Techniques] in the installation'. The EESC finds that this clarification is welcome and consistent with the IED to prevent pollution at source. At permitting, the exact scope and perimeters of the technology has to be taken into account in order to use the relevant BAT-comparison.

<sup>(1)</sup> Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (OJ L 334, 17.12.2010, p. 17).

1.4. The EESC stresses a need for the following clarification points: on what basis and feasibility criteria would the feasibility analysis of the operator be made? Will it include, beyond the Joint Research Centre (JRC) Reference Report on BAT reference documents (BREFs), other technique providers, NGOs and the public concerned to validate that analysis? What is the role of the permitting authority?

1.5. The EESC believes that the following improvements could be made to make the provisions more effective: a link to the criteria for determining BAT (current Annex III) so that operators have the opportunity to justify relevant cross-media effect that may hamper the achievement of the proposed BAT-AELs. The proposal should set a maximum derogation validity e.g. [3]/ [4] years so as not to provide an undue competitive advantage for operators making repetitive/time extensive use of derogations. A pre-consultation with at least three independent technique providers would enable the considerations of different industry interests' viewpoints. Clearer conditions should be set e.g. a full impact assessment against the options proposed for maximum compatibility with the strictest BAT, including compliance with Environmental Quality Standard (EQS) and the compatibility of that assessment with the zero pollution ambition.

1.6. The EESC strongly recommends to closely follow the Green Deal goals, while setting headline indicators with regard to the various media objectives.

1.7. The EESC agrees with the European Court of Auditors that the polluter pays principle should be given clear meaning. Besides the monetised economic costs vs. societal benefits ratios, for the sake of transparency and completeness, societal costs vs. societal and environmental benefits indicators should also be analysed. Environmental benefits should include health and climate protection benefits; the damage cost method should only use the more protective methods e.g. the European Environmental Agency (EEA) Value of Statistical Life method adapted to OECD/US price levels.

1.8. The EESC finds that the challenge to overcome is not the identification of breakthrough techniques (innovation), but rather its deployment at an industrial scale. A key barrier may link to the failure of internalisation of external costs. The generated funds from applying the damage cost levels could be re-channelled into an 'EU Depollution and industry transformation fund' or other existing funds like the modernisation and innovation funds. Operators should then be able to apply for the use of those funds in a competitive bidding process in order to provide for incentives for the transformation needed for delivering on the EU Green Deal. Due care is to be provided that the re-conversion and transformation support local and sustainable economic re-development, fully consistent with a socially acceptable 'just transition'. Support should be provided for industries and services that really contribute to the EU Green Deal goals. Special attention needs to be paid to the fact that any fund generated to support transition must be managed at EU level, avoiding any potential State Aid schemes, and fostering a harmonised pan-European scheme that will meet the EU single market principle.

1.9. The EESC finds that climate protection is important, and that the framework provides for a combined approach of the various instruments at hand. Taking pollution prevention measures should not depend on whether there is a business case for climate protection. The EESC strongly supports a combined approach, and policy consistency delivering co-benefits. Article 9(1) restricts Member States in setting further measures on operators subject to the EU ETS trading scheme, and its deletion is therefore preferred. By deleting this provision, the industry will not immediately be subject to greenhouse gas emission limit values (GHG ELVs).

1.10. The EESC believes that the update of the European Safety Net, to align with up-to-date state-of-the-art BAT standards could considerably improve the effectiveness of BAT uptake and public benefits, notably for large combustion plants.

1.11. The EESC also stresses the need to improve the level playing field –for waste incineration compliance with the ELV shall be ensured during the effective operating time (EOT), for operators of Large Combustion Plants (LCP) they may disregard emissions occurring during start up and shut down. The EESC finds the possible operation in breakdown of abatement unacceptable.

1.12. In order to ensure that the Directive is implemented in a proportionate and cost-effective manner, the EESC strongly recommends that the scope of the Directive is adapted with the Livestock unit per hectare density base in the case of livestock extensive farming. Free-range animal husbandry should be adequately taken into account.

1.13. Some opportunities for improving the compliance assessment are proposed. However, details will be set out in an implementing act to be adopted only two years after the entry into force of the new Directive. The EESC believes this is far too late, and provisions should already be set that require minimal calibration frequencies for monitoring devices and requirements as to measurement uncertainty levels to not exceed those that are aligned to levels attained by state-of-the-art measurement equipment.

1.14. The EESC sees some merit in promoting more than incremental improvements at installation level only, when a faster and deeper transition of production methods is desired. The following activities are proposed as priority areas: energy production/conservation, water quality and supply services, transformation of plant/animal protein production and other foods and drinks, resource management, substitution of chemicals of concern, soil remediation/fertility.

**Related to Industrial Emissions Portal (E-PRTR):**

1.15. The proposal has missed the opportunity to provide for a more effective use of performance information already generated within the annual compliance report (Article 14(1) of the IED, to be used for benchmarking and compliance purposes. A harmonised reporting obligation input form with mandatory content for the annual compliance report, enabling automatic extraction of that information within the EEA Portal, would considerably improve access to key performance information at EU level for various end user groups.

1.16. The EESC stressed that improved access to performance information would be achieved in relation to the sections on the Environmental Management System (EMS). Many of these elements (e.g. use of resources and water reuse, waste prevention, substitution and use of hazardous substances) are proposed to be reported under the E-PRTR already, a streamlining of the IED-related reporting to integrate information in the Portal would hence reduce the administrative burden and provide added value to the usefulness of that information.

1.17. Maintaining reporting thresholds will increase the administrative burden for competent authorities, due to further assessment steps needed to verify whether pollutant thresholds are exceeded. Where monitoring data exists, it should be used and hence reported, otherwise interesting information as to the driving forces that led to releases below the reporting thresholds would be lost. Therefore, the EESC disagrees with reporting thresholds.

1.18. The list of pollutants subject to reporting has been kept unchanged since 2004. The EESC is not convinced that delaying the listing of identified pollutants of concern is appropriate. All pollutants identified in Article 14 are already subject to reporting obligations. The EESC does not see an added value of solely referring to the already authorised Annex XIV Substances of Very High Concern, whilst the IED provisions relate to 'hazardous substances'. Therefore, the EESC finds that a broader list of substances with properties of concern should be listed in the PRTR Annex II directly, as mandatory reporting of the EU waste codes.

1.19. The EESC believes that the EEA Portal should enable the comparison of permit limits to similar installations, in terms of their environmental and pollution prevention, ideally at global level. The EESC recommends integrating the information that is already generated by the IED/BAT and EMS requirements. Article 1 of the Kyiv PRTR Protocol refers to the triple objectives of the PRTR to enhance public access to information that would also facilitate public participation in environmental decision-making, as well as contribute to the prevention and reduction of pollution of the environment. The latter two objectives have not been sufficiently addressed.

1.20. Finally, the EESC considers that the enabling environmental performance benchmarking and compliance promotion at EU level, the elaboration of the IT maintenance and helpdesks and mutualising efforts to that end (budget and tools) would satisfy much broader and diverse end user group interests, also stimulating the industry to further exchange good practice on pollution prevention.

## 2. Background

2.1. The Industrial Emissions Directive (IED) 2010/75/EU is the most important EU instrument aimed at preventing pollution at source in an integrated way, to achieve a high level of overall environmental protection for large scale industrial activities. It therefore bears the potential to give concrete meaning to the self-declared Zero Pollution Ambition, and will also contribute to better health. Its review is a test for EU decision makers to show that they are serious about bringing the EU Green Deal ambitions into practice through specific provisions.

2.2. The evaluation was initiated under the EU Green Deal. Diverging views exist between representatives of certain industrial operators' trade associations and other representatives of the civil society, but also within the concerned industry stakeholder groups.

2.3. The revised IED proposal has been reviewed, together with the review of Regulation (EC) No 166/2006<sup>(?)</sup> establishing the European Pollutant Release and Transfer Register (E-PRTR), this Regulation implements the UNECE Kyiv PRTR Protocol of 2006<sup>(3)</sup>.

2.4. *General overview of the revised IED proposal:* The declared aim of the European Commission (EC) is 'to transform the legislation into a forward-looking framework fit for accompanying the industrial transformation needed for the green transition', it builds on the following main building blocks: 1: improved effectiveness; 2: innovation; 3: resources and chemicals; 4: decarbonisation. The implementation of those building blocks directly depends on the scope design of the IED, set out in its Annex I, which could be considered the fifth building block.

2.5. *General overview for the revised E-PRTR proposal:* the revised proposal for a Regulation on reporting of environmental data from industrial installations and establishing an Industrial Emissions Portal seeks to improve the integration of reporting streams through a centralized online database (the EEA Industrial Emissions Portal<sup>(4)</sup>), the reporting on resource use and putting information into context. The aim is to cover at least 90 % of the release information. The list of polluting substances and release reporting thresholds have been kept unchanged.

## 3. General comments (IED)

3.1. The main expectations from civil society<sup>(5)</sup> are to achieve climate protection through a 'combined approach' (command and control and ETS), the redesign of its scope, performance indicators for guiding the transformation, restricting flexibilities and stronger permit ambition and a forward-looking BAT determination process putting public interests first.

3.2. From the industry perspective, positions are more diverse.

3.2.1. The 5th, transversal goal, referred to in point 2.4 above, misses, however, a key component, namely the additional renewable energy need beyond energy efficiency.

3.2.2. A comparative analysis is needed to avoid the non-harmonised multiple (2 to 4) legislations concerning the same emissions, potentially leading to confusion. For instance, in energy carriers, ETS seems to be more motivating than other simultaneous rulings.

3.2.3. The permit issuing process should be streamlined, intensified and simplified. Capacity development of authorities and better process preparing is needed to make the procedure quick and efficient. It is expected that the proposal for a permit summary may help address those concerns.

3.2.4. A fine-tuned balance is needed between sanctioning (negative motivation) and incentivising, in favour of the latter, for achieving pollution prevention/reduction results sooner.

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(?) Regulation (EC) No 166/2006 of the European Parliament and of the Council of 18 January 2006 concerning the establishment of a European Pollutant Release and Transfer Register and amending Council Directives 91/689/EEC and 96/61/EC (OJ L 33, 4.2.2006, p. 1).

(3) <https://unece.org/environment-policy/public-participation/prtrs-protocol-text>

(4) <https://industry.eea.europa.eu/>

(5) <https://eeb.org/library/ngo-preliminary-assessment-of-the-european-commissions-proposal-for-revised-ied-and-e-prtr>

3.3. Workers' representative associations welcome the proposal; workers are committed to the green transformation of the industry and recall that it is not a technological challenge but rather a social one. Due care is to be provided that the wider public and workers benefit on wider pollution prevention efforts needed for delivering on the EU Green Deal are fully consistent with a just transition. The workers' associations believe that stricter European environmental and human health protection rules support the workforce and emergence of good quality jobs where the industry itself becomes sustainable, good examples exist such as from the Green Steel transition in Sweden. Stricter pollution standards can help attract investments to make the EU industry infrastructure fit for the zero-pollution ambition. Workers association support the acceleration of efforts on the substitution of hazardous and dangerous substances produced and used at industrial activities and hence support improved transparency and user-friendly access to information on chemical management systems.

#### 4. Specific comments (IED review)

##### 4.1. Building block 1: Stricter BAT-uptake in permitting

4.1.1. The proposal recognises, as a main failure, that majority of permit conditions align to the laxest pollution levels allowed under the relevant BAT-AE(P)Ls (associated emission levels) (Article 15(3)). The revised Article 15(3) proposes as a new default, that permit writers should set the 'strictest possible emission limit values that are consistent with the lowest emissions achievable by applying BAT in the installation'. The EESC finds that this clarification is welcome and consistent with the IED to prevent pollution at source. At permitting, the exact scope and perimeters of the technology has to be taken into account in order to use the relevant BAT-comparison.

4.1.2. Referring to the 'strict' but technically feasible range in the last paragraph would make it internally consistent and more aligned to the EU Green Deal.

4.1.3. The proposal allows the operator to analyse the 'feasibility of meeting the strictest end' of the BAT-associated emissions levels (BAT-AEL) range and 'demonstrating the best performance the installation can achieve by applying BAT as described in BAT conclusions', clarifications are needed on this provision (see recommendations).

##### *Derogations provision (Article 15(4))*

4.1.4. The reference to prohibit any derogation where it 'may put at risk' the compliance with an Environmental Quality Standard (EQS) translates the precautionary and preventive approach into clearer legal wording, and is therefore supported, as is the need for additional monitoring requirements for measuring impact on the receiving environment.

##### *Clarification method on how to conduct cost-benefit assessments*

4.1.5. The cost benefit assessment (CBA) method is proposed in a new Annex II as part of new principles to be complied with when granting derogations. Environmental benefits should include health and climate protection benefits, the damage cost method should only use the more protective methods e.g. the EEA Value of Statistical Life (VSL) method adapted to OECD/US price levels, based on the EEA (ETC/ATNI report 04/2020) <sup>(6)</sup>.

4.1.6. The improved CBA method should also be used for setting the levels of sanctions and compensation, but also to determine what should be regarded as 'economically viable' in the BAT determination context. Applying this method for a systematic internalisation of external costs would also enable the generation of additional resources that could be re-allocated to support uptake of breakthrough emerging techniques.

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<sup>(6)</sup> <https://www.eionet.europa.eu/etcs/etc-atni/products/etc-atni-reports/etc-atni-report-04-2020-costs-of-air-pollution-from-european-industrial-facilities-200820132017>

*Water discharge related*

4.1.7. Requirements to achieve equivalence of protection levels in case of indirect discharge of wastewater have been tightened (Article 15(1)). The majority of stakeholders, namely civil society and the water supply industry are quite in favour of the changes made to the new proposal, since it adds up conditionalities as to under what conditions indirect discharge may happen. It is positive that the equivalence of pollution load is highlighted, and that this is in all cases without prejudice to Article 18 (EQS compliance). Stronger wording could be used so as to prohibit dilution, and a 'zero tolerance' approach should be set for a list of recalcitrant pollutants in line with the non-deterioration obligation which applies in the context of water protection.

4.1.8. The provision could be of more added value if a bioeliminability/biodegradability target value to be achieved would be set at any release point.

*Restricting flexibility through an update of the EU safety net*

4.1.9. Requiring only the lignite fired Large Combustion Plants to not exceed the strict range of the BAT-AEL, could have avoided an annual health damage cost burden worth at least EUR 42,2 billion. Considering that Annex V minimal binding requirements are based on 2000-2001 emission data, the EESC believes that Annex V emission limit values, as well as the compliance regime provisions, should be amended to align with the strict BAT-associated energy efficiency levels and BAT-associated emissions levels for LCPs for coal/lignite combustion of the revised 2017 LCP BREF3. The proposal lacks any justification as to why the outdated EU Safety net has not been revised.

*Other shortcomings negatively affecting the effectiveness of the IED goals*

4.1.10. Clearer measures (e.g. reduced operation) with a results-based obligation should be specified in the legal text of Article 18 EQS, so as to ensure that the competent authority will be obliged to take pre-emptive measures (e.g. EQS compliance 'safety buffer'), an explicit link in Article 21(5) to the NAPCP, NECP as well as the WHO air quality guidelines <sup>(7)</sup> would be welcome, Article 3(6) should be amended accordingly.

*Reinforced level playing field performance information and compliance promotion*

4.1.11. The proposal has missed the opportunity to provide for a more effective use of performance information already generated within the annual compliance report (Article 14(1) of the IED), a harmonised reporting obligation input form enabling automatic extraction of that information within the EEA Portal, would considerably improve access to key performance information.

4.1.12. The EESC believes that compliance promotion provisions should already be set, such as minimal calibration frequencies for monitoring devices, measurement uncertainty levels to not exceed, aligned to state-of-the-art.

*Reinforced Aarhus rights*

4.1.13. Improvements have been made on some aspects relating to public participation and access to justice, also triggered by an Aarhus Compliance Committee Case <sup>(8)</sup>. The new guarantees under Article 25 relate to effective remedies and access to courts, and is welcome. However, the EESC believes that the provision of Article 25 should be amended to include any acts/omissions taken under the IED, not just those relating to Article 24. Moreover, a careful systematic investigation should be performed if, and to what extent, the claims of confidential business information are in line with the relevant Aarhus framework.

<sup>(7)</sup> <https://www.who.int/news-room/feature-stories/detail/what-are-the-who-air-quality-guidelines>

<sup>(8)</sup> ACCC/C/2014/121 EU: <https://unece.org/acccc2014121-european-union>

#### 4.2. *Building block 2: 'Support innovation'*

4.2.1. The EESC finds that the proposal does not provide clear tools and incentives to foster meaningful 'innovation'. First, it is unclear what this innovation is designed to achieve, due to the lack of key performance indicators (KPIs) and lack of outcome-driven targets. Some provisions are made that would steer the uptake of 'Emerging Techniques' (ET). However, the criteria for assessing what an emerging technique is are based on the technology readiness levels (TRL) only.

4.2.2. The EESC stresses that a 2050 deadline for achieving the 'transformation' is at odds with the EU goals on pollution and emission reduction, and with the limitations posed by planetary boundaries. Milestones and KPIs should be defined now in a science-based process, and explicitly include NGOs and other relevant stakeholders.

4.2.3. Other stakeholders should be given a formal role in the elaboration of transformation plans, and the EU BREF information exchange. The list of stakeholders mentioned in the Innovation Centre for Industrial Transformation and Emissions (INCITE) provision, including the EEA, is more appropriate. A more balanced participation of various interest groups and the inclusion of academia and other health protection NGOs should be encouraged.

4.2.4. The EESC finds that KPIs with clear time-bound action targets should be developed and could be added to Annex III of the IED for example, which relates to the criteria for BAT determination. Such KPIs could be used to guide the BREF reviews as well as the transformation plan process. These reviews should take place in well-designed and timely process, with milestones that can be planned on anticipation, to provide for early signals and proper planning support.

4.2.5. The EESC proposes minimum principles to be set, ensuring that pollution prevention is favoured over its reduction, and a compatibility screening as to whether identified (emerging) techniques are compatible with achieving the acquis and the set 'zero pollution' goals.

#### 4.3. *Building block 3: Resources and Chemicals*

4.3.1. Article 15(3)(a) requiring the Environmental Performance Limit Values to be within the BAT-associated emission levels (BAT-AELs) and other environmental performance levels (BAT-AEPLs) ranges is not sufficiently consistent with requiring operators to apply BAT, and should correspond to the strict level of the BAT-AEPL ranges that relate to 'new plant' standards, where a differentiation is made in the corresponding BAT-Conclusion. The EESC welcomes the stronger role of the BAT relating to resource use; these do not only benefit the environment and human health, but also provide a business case for the operators.

4.3.2. The workers' representative associations and NGOs also highlight the benefits of substitution of hazardous and dangerous substances and prevention, ultimately resulting in less occupational diseases like cancer (which is the 1st cause of death at work). The EESC stressed that improved access and interpretation of performance information would be achieved by direct integration in the EEA Portal.

#### 4.4. *Building block 4: Support decarbonisation*

4.4.1. The proposal falls short on making the IED fit for climate protection. The EESC finds that climate protection is important. The EESC strongly supports a combined approach and policy consistency delivering co-benefits.

4.4.2. Civil society proposed to set the following provisions in the IED text: 'climate neutrality' should be added as supplementary BAT criteria; Article 9(1) deleted; decarbonisation measures are set also within the Transformation Plans e.g. 100gCO<sub>2</sub>eq/kWh as of 1 January 2035, and at 0gCO<sub>2</sub>eq/kWh at the latest by 2040. Mandatory electrification and fuel switching obligations.

4.4.3. Industry provides for a different view and would instead take a case-by-case approach, pending the possible effects of the strengthened EU ETS Directive. They favour the EC's proposal to postpone the review to mid-2028. The main argument is that the EU-ETS system is more flexible for operators to decide on their own which measures are cost efficient to implement.

#### 4.5. *Scope redesign/extension (sectoral points)*

##### *Intensive livestock activities (cattle inclusion, revised poultry and pig thresholds)*

4.5.1. The EC proposed some changes with regard to industrial scale livestock rearing based on Livestock Units (LSU) <sup>(9)</sup>. The EC expects associated health benefit of EUR 5,5 billion per year, with a compliance cost estimate of about EUR 265 million.

4.5.2. The main changes relate to the permitting regime, with a 'light touch' permitting regime proposed in a new Chapter VIa. For the EESC, it is not obvious how the pollution reduction will be achieved merely through the scope extension. The measures to be implemented through 'operating rules' (Article 70i) are not yet defined, and would be subject to a delegated act of the EC, compliance deadline points to 2030.

4.5.3. The main concerns of civil society relate to the possibility for Member States to use a registration system which is at odds with having requirements set in permit procedures on a case-by-case basis (e.g. status of receiving environment, notably for nitrates and manure spreading). It would constitute a backtracking for the currently IED regulated Section 6.6 (pigs and poultry) activities. A straightforward link to the need for complying with EQS and receiving capacity of the land is missing. The pollution from aquaculture should also be covered. Finally, vague wordings are used in Chapter (Article 70f) as to significance of issues.

4.5.4. The position of the concerned representing organisations is as follows: the inclusion of cattle rearing seems premature: manure spreading related emission values cannot be correctly measured but are rather estimated from the type of input nutrition; even estimations show a spreading of more than +/- 100 % around the average; this is even more shaky in pasture-based rearing where emissions are dispersed; no analytical JRC-study is available even listed; lack of operators' knowledge and capacity in collecting, supplying and reporting such type of data.

4.5.5. The objective of the IED is to achieve an overall high level of environmental protection for large-scale industrial installations. The Commission proposal means that farms with an animal stock of 150 livestock units or more (as a 'threshold') will be covered by the provisions of the IED regardless of the rearing technology used. In practice, this means that many family farms fall within the scope of the Directive and shall therefore be subject to the same rules as other large industrial installations (e.g. cement or steel production). In order to ensure that the Directive is implemented in a proportionate and cost-effective manner, the EESC strongly recommends raising the threshold for livestock holdings based on a new adequate impact assessment of rearing technologies.

4.5.6. The EESC finds that clarifications should be made to the content of the operating rules (70i), namely to those that would be most effective in delivering on the stated aims of pollution prevention, whilst being proportionate for the operators. A differentiation is made as to whether the animals are only seasonally reared in indoor installations or not and which type of measures should be taken for manure management. The EESC recommends further incentives to rearing farms that demonstrate best environmental practice, notably organic farming and other farming practices that respect animal welfare and are free range farms, preferably for locally adapted, local and rare breeds. The new framework should promote sustainable practices and not incentivise an optimisation of intensive livestock rearing methods e.g. with more end of pipe air control measures. The 2018 EMAS document on the sectoral reference document on best environmental management practices for the agricultural sector <sup>(10)</sup> provides for useful inspiration for benchmarks of excellence that could serve as a useful basis to define those standards.

<sup>(9)</sup> The LSU factors are based on Annex II to Commission Implementing Regulation (EU) No 808/2014.

<sup>(10)</sup> Commission Decision (EU) 2018/813 of 14 May 2018 on the sectoral reference document on best environmental management practices, sector environmental performance indicators and benchmarks of excellence for the agriculture sector under Regulation (EC) No 1221/2009 of the European Parliament and of the Council on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS) (OJ L 145, 8.6.2018, p. 1), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32018D0813>



4.5.7. Aquaculture is a complex ecosystem providing, besides emissions, synergic environmental benefits: micro-climate, temperature control, air quality, water-household, carbon capturing, biodiversity etc. so, emissions cannot be evaluated in an isolate way. A detailed analytical JRC-study does not exist, even on the BREFs' list. A very precise definition of BAT-versions is needed due to the high number of existing technologies some of which are net climate neutral.

#### *Mineral mining activities*

4.5.8. The EC proposes including a few types of mineral and metallic mining activities in its scope. The EESC supports this inclusion because it can have a significant impact on the environment, fosters the ecological sound exploration of resources to be extracted in most efficient manner and hence would improve public acceptance. The demand for critical minerals is expected to strongly grow in the EU, meaning additional pressures for new mining activities. For most cases, these activities are already regulated at national level, and an EU approach would support the level playing field.

#### *Inclusion of Giga-Watt hour Batteries manufacturing*

4.5.9. The EC proposal suggests including in the IED scope the manufacture of lithium-ion batteries and assembling of battery cells/packs, with a production capacity exceeding 3,5 GWh per year. The EESC supports this inclusion due to emerging findings as to high potential impacts those activities can have, notably with regard to water consumption and use of hazardous metals. Due to the electrification of transport and other applications, this is a fast-growing sector. It is however unclear as to why the initial proposal of capacity threshold 2,5 GWh has been lowered at the last minute.

#### *Landfilling*

4.5.10. The EC proposes strengthening the requirements applying to landfills, it is therefore not a scope extension. Providing BAT on landfilling would improve the environmental and climate impacts from landfilling, notably in regard to preventing/capturing methane emissions. The Landfill Directive<sup>(1)</sup> dates back to 1999, contrary to what that Directive states there are no BAT standards for landfilling. It is also made explicit that biologic treatment covers anaerobic treatment activities (in section 5.3). Both those clarifications are supported by the EESC.

### **5. General comments (E-PRTR review)**

5.1. The PRTRs have to serve at least 3 interlinked objectives, as specified in Article 1 of the Kyiv PRTR Protocol (see point 1.19).

5.2. The EESC finds that modern and easy-to-use integrated data portals are key to ensure progress tracking on pollution prevention and public accountability. Whilst the EESC welcomes some of the new provisions such as the systematic reporting on the inputs (consumption, materials, supply chain impacts), putting information into context, reporting on diffuse emissions, maximum user friendliness and integrating various reporting streams, there are serious concerns as to the more specific requirements i.e. how to enable benchmarking and compliance promotion.

### **6. Specific comments (E-PRTR review)**

6.1. The EESC is not convinced that delaying the listing of identified pollutants of concern is the appropriate way forward.

6.2. The EESC finds that there is a legitimate interest among citizens to receive useful information about the environmental footprint of products.

6.3. The EC declares an aim of 'capturing at least 90 % of releases of each pollutant to air, water and land, including thresholds of zero for substances displaying a particularly high hazard to the environment or human health'; this objective is welcome.

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<sup>(1)</sup> Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (OJ L 182, 16.7.1999, p. 1), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A31999L0031>

6.4. Maintaining reporting thresholds will increase the administrative burden for competent authorities, where monitoring data exists, it should be used and hence reported. Based on the above, the EESC disagrees with reporting thresholds.

6.5. The EESC thinks that reporting efficiency and effectiveness can be improved. Operators should be able to directly report to the EEA Portal the monitoring data; for most those are based on continuous emissions monitoring (CEM) systems. In many EU countries, but also in China and the US, the CEM raw data is directly made publicly available in real time (or within a month) to the centralised database. This feature is not yet offered by the EEA. The EESC believes that enabling a direct tele-reporting by the operators to the EEA would lift some administrative and compliance assessment burden from the competent authorities whilst enabling more time effective access to the information for various end users. The competent authority would retain the validation and enforcement responsibilities through special access rights; data entries could be flagged on their status (pending validation/validated).

Brussels, 14 July 2022.

*The President*  
*of the European Economic and Social Committee*  
Christa SCHWENG

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